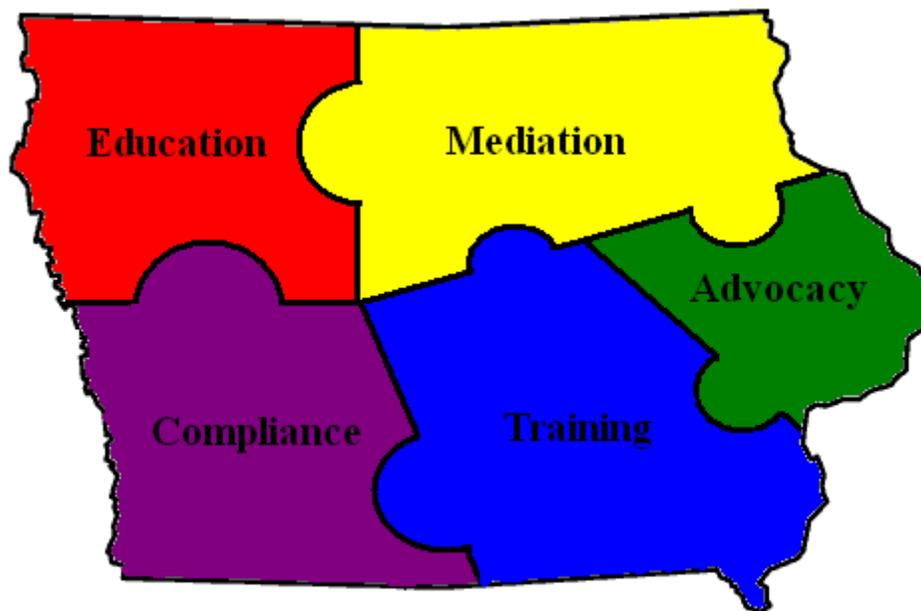


Iowa Civil Rights Commission

Annual Report for Fiscal Year 2010



**45 Years of Working toward a State Free of Discrimination through
Enforcement of Civil Rights and Celebration of Diversity**



STATE OF IOWA

CHET CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

IOWA CIVIL RIGHTS COMMISSION
RALPH ROSENBERG
EXECUTIVE DIRECTOR

November 4, 2010
The Honorable Chester J. Culver
Governor of the State of Iowa
The State Capitol
Des Moines, IA 50319

Dear Governor Culver:

In accordance with the Code of Iowa, I hereby transmit to you and the General Assembly, the Annual Report of the Iowa Civil Rights Commission for Fiscal Year 2010.

Our Commission works to promote safe, just, and inclusive communities. During this past year, ICRC successfully continued to leverage resources to improve our work. Even with limited staff and resources, ICRC reduced its backlog. Achieving justice in the world of civil rights also means reducing and preventing acts of discrimination and making Iowa a more welcoming state. Last year, ICRC worked to strengthen our training, outreach, and links with local communities. To assist with intake, informal screening of cases, and mediation, ICRC partnered with Iowa Legal Aid. ICRC is one of the few civil rights agencies in this nation to link with AmeriCorps VISTA (and hire volunteers/staff) to do capacity building with local civil and human rights commissions. Within the past years, the Commission received VISTA grants to extend the VISTA work and place VISTA members in local commission offices in Des Moines, Sioux City, Council Bluffs, Fort Dodge, Waterloo, Cedar Falls, Iowa City, Dubuque, Ames, and Davenport. We also placed VISTA members with the Iowa Department on Aging, Department of Cultural Affairs, and the Department of Human Rights and its Divisions. In 2009, the Council of State Governments selected our Iowa Human & Civil Rights VISTA Project as a regional finalist for its Innovations in State Government award.

Safe and inclusive communities are free from discrimination and free from loss of dignity and humanity. Civil rights enforcement helps ensure that society receives the full benefits of a diverse and inclusive workforce and reduces economic losses from discrimination. To prevent problems and provide a more welcoming economic climate, our agency educates business and industry on civil rights laws and diversity concerns.

Our work furthers respect for human dignity and helps make Iowa a more welcome place for the changing face of this state. The goal of our agency is in furtherance of our state's motto: "Our liberties we prize and our rights we will maintain." Indeed, discrimination shall have no place in Iowa.

Respectfully Submitted,
Ralph Rosenberg, Executive Director

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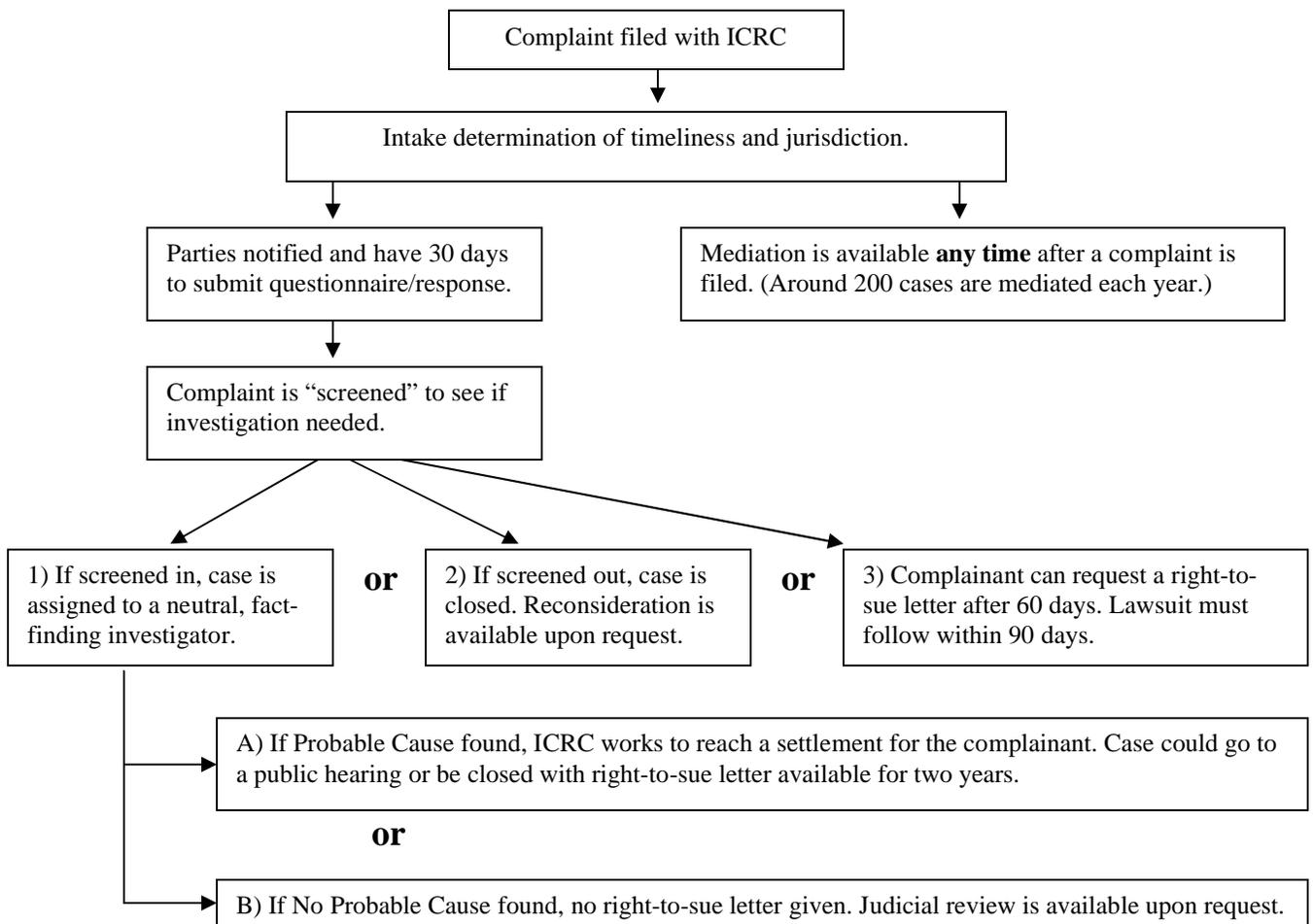
About the Iowa Civil Rights Commission

The Iowa Civil Rights Commission is a neutral, face-finding, administrative agency that enforces the “Iowa Civil Rights Act of 1965.” The Commission addresses discrimination in the following ways:

- Case resolution through intake, screening, mediation, investigation, conciliation, and public hearings
- Conducting state-wide public education and training programs to prevent and respond to discrimination
- Testing to determine the existence or extent of discrimination in Iowa
- Support of civil rights and diversity programs and projects through Iowa

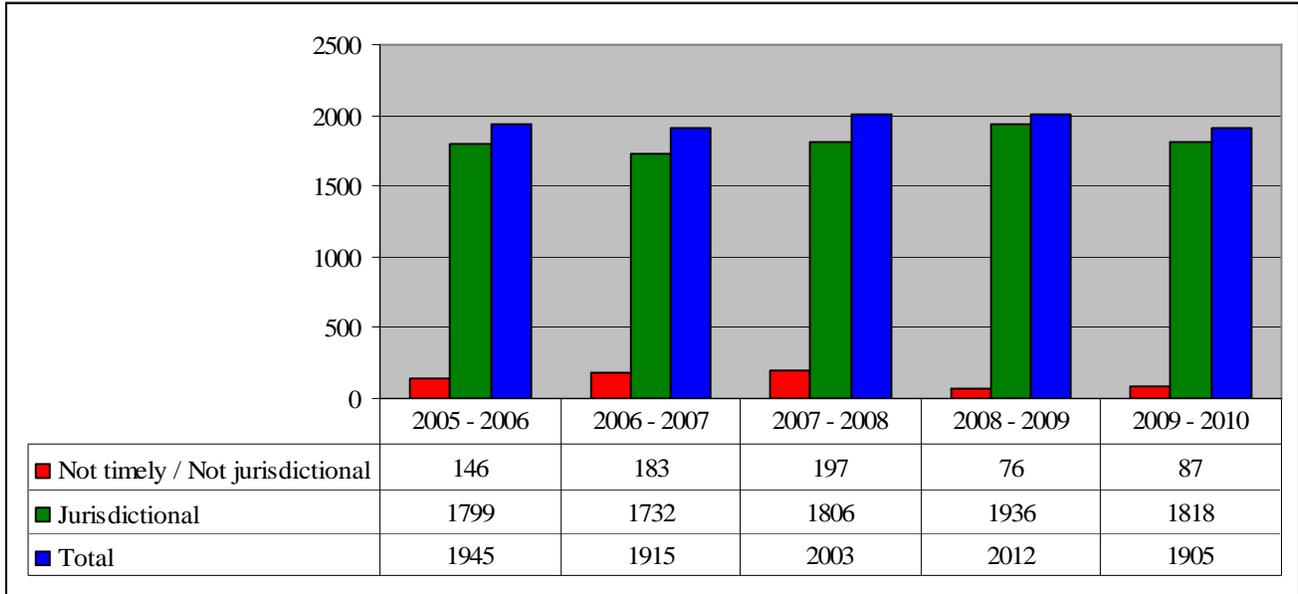
The Iowa Civil Rights Act of 1965 prohibits discrimination in the areas of employment, housing, credit, public accommodations (public services and buildings), and education. Discrimination and harassment are illegal if based on actual or perceived race, skin color, national origin, religion, creed, sex, pregnancy, sexual orientation, gender identity, physical disability, mental disability, age (in employment and credit), familial status (in housing and credit), or marital status (in credit).

The Discrimination Complaint Process



Processing of Discrimination Complaints

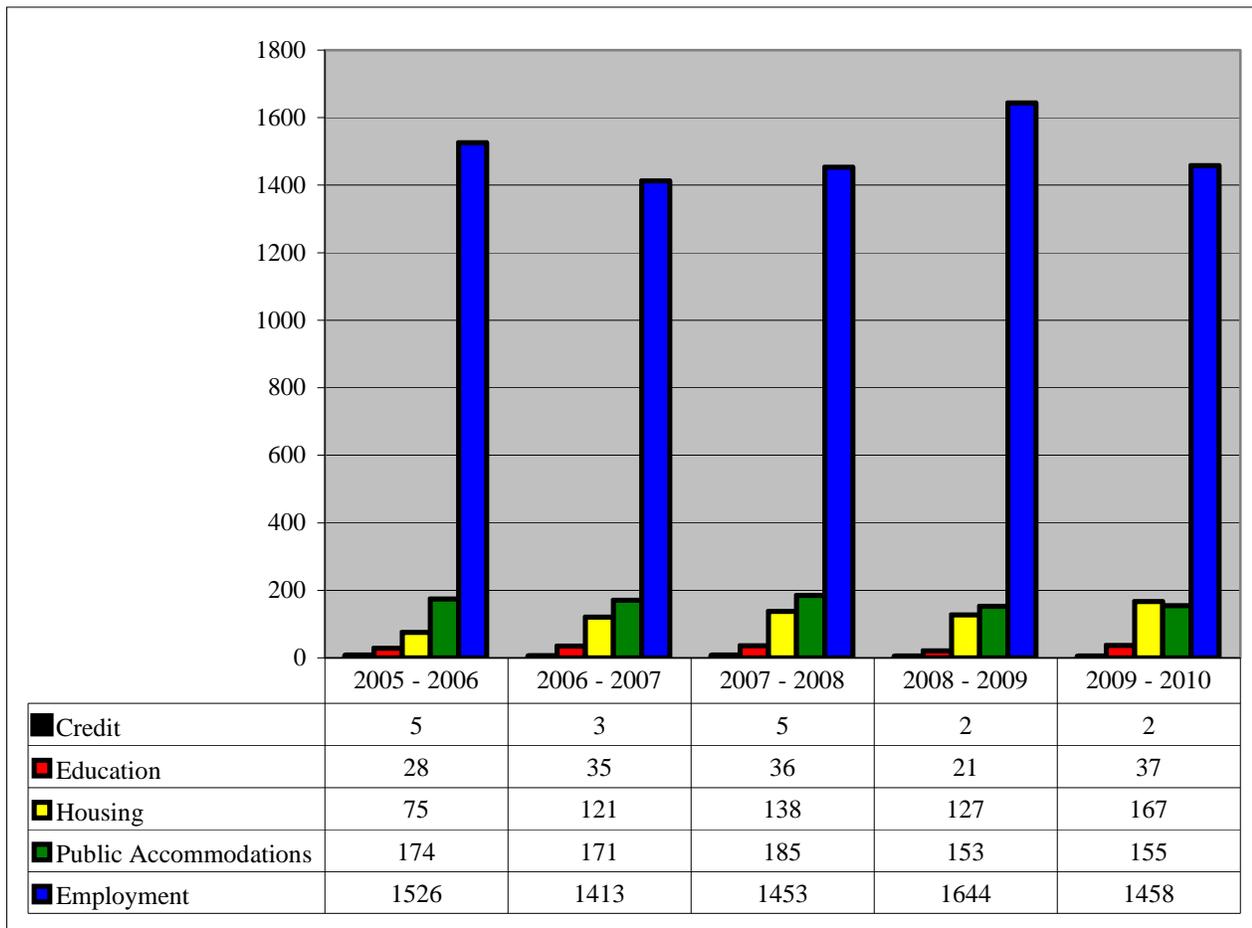
During FY2010, the Iowa Civil Rights Commission received 1,905 discrimination cases. Of those complaints, 87 complaints either did not meet the jurisdictional requirements or the 300-day time limit since the last alleged incident took place. Subtracting the 87 cases from total received, the Commission docketed for processing 1,818 cases.



Summary of Processed Complaints

- Employment (80.1%) continues to be the largest area of complaints filed, followed by housing (9.2%) and public accommodations (8.5%). Over the past five fiscal years, housing complaints have risen from 53 in FY 2005 to 167 in FY 2009, partially due to an increased focus on fair housing education, outreach, and testing.
- Sex (38%) and race (36%) were the most frequently named bases (personal characteristics) for non-housing cases. These two leading bases of discrimination were followed by disability (34%), retaliation (30%), and age (20%).
- For housing complaints, disability (47%) and race (35%) were the most frequently named bases for discrimination. These were followed by familial status (10%), national origin (9%), sex (7%), and retaliation (5%).

Cases Docketed by Area and Fiscal Year

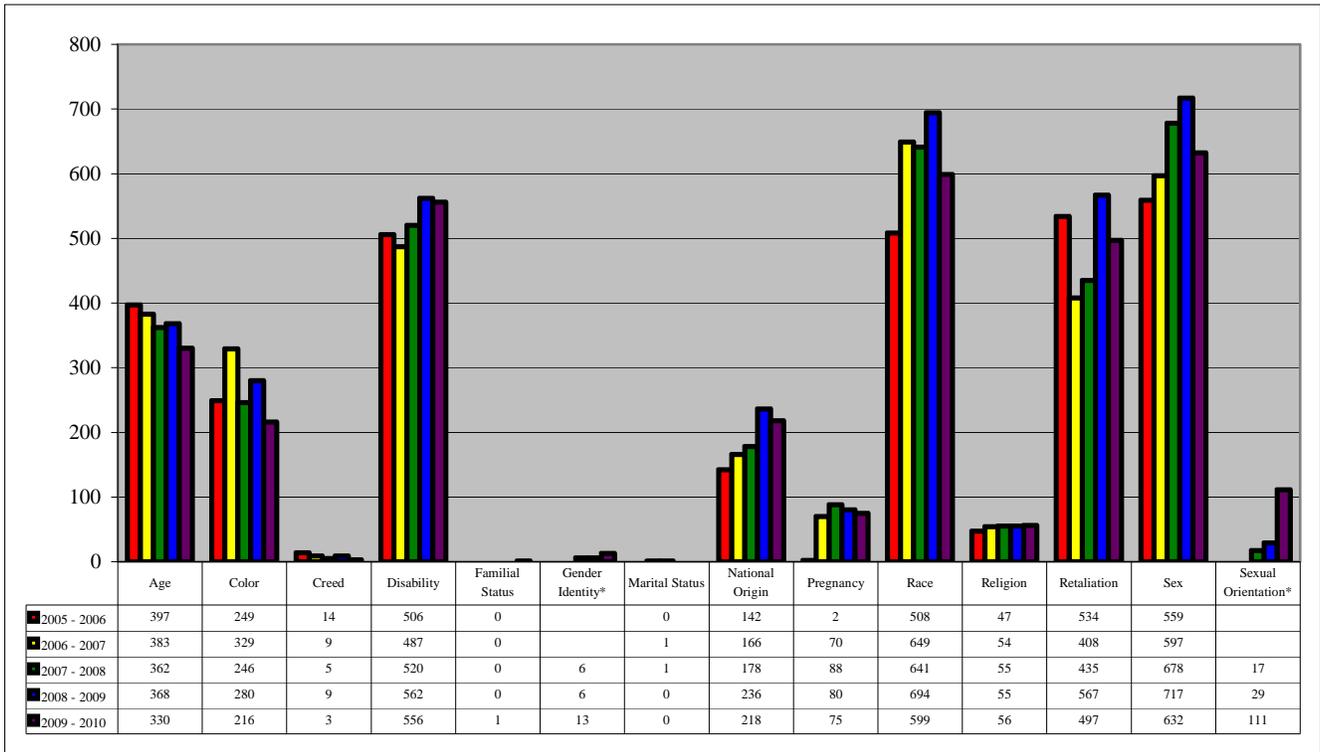


Did You Know?

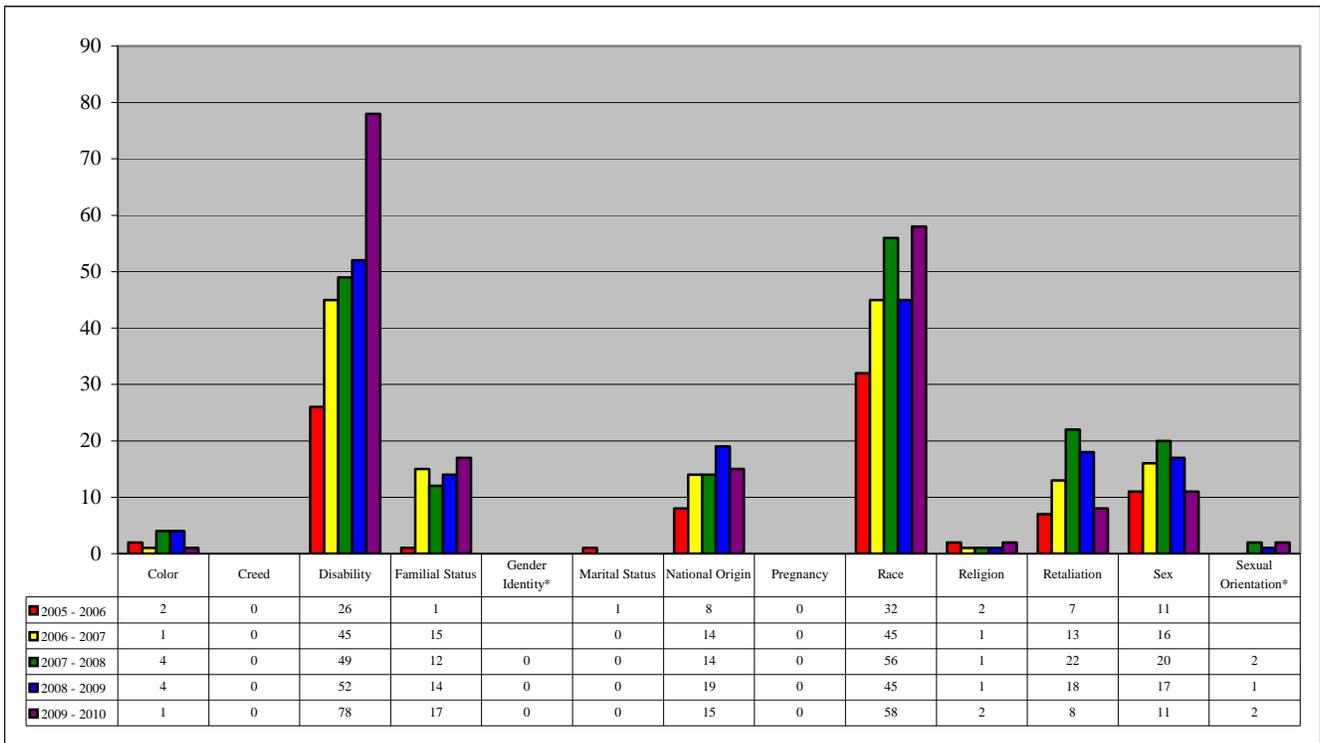
Iowa's Safe Schools Law allows students (and parents/guardians on behalf of minors) to file a complaint alleging bullying or harassment with either the Iowa Department of Education or the Iowa Civil Rights Commission. Since ICRC's authority includes investigations of alleged harassment and discrimination, the Iowa Civil Rights Commission may receive complaints from students or parents. Other types of bullying may fall under the jurisdiction of the Iowa Department of Education.

For most housing complaints, we cross-file with the U.D. Department of Housing and Urban Development (HUD). Similarly, we cross-file most employment complaints with the U.S. Equal Employment Opportunity Commission (EEOC). Local human and civil rights commissions cross-file with us or refer the cases to our Commission.

Cases Docketed in Non-Housing Cases by Basis



Cases Docketed in Housing by Basis



* Gender Identity and Sexual Orientation were added to the Iowa Code as protected bases on July 1, 2007.

Filings by County

County	Filings
Adair	3
Adams	2
Allamakee	7
Benton	7
Black Hawk	143
Boone	10
Bremer	5
Buchanan	5
Buena Vista	25
Butler	5
Calhoun	1
Carroll	10
Cass	5
Cedar	9
Cerro Gordo	16
Cherokee	4
Chickasaw	3
Clarke	3
Clay	7
Clayton	2
Clinton	26
Crawford	1
Dallas	21
Decatur	2
Delaware	2
Des Moines	20
Dickinson	5
Dubuque	75
Emmet	5
Fayette	8
Floyd	6

County	Filings
Franklin	2
Fremont	1
Greene	3
Grundy	1
Guthrie	2
Hamilton	4
Hancock	2
Hardin	5
Harrison	5
Henry	9
Howard	5
Humboldt	5
Ida	3
Iowa	12
Jackson	2
Jasper	9
Jefferson	6
Johnson	102
Jones	5
Keokuk	1
Kossuth	1
Lee	11
Linn	171
Louisa	1
Lucas	2
Madison	2
Mahaska	4
Marion	18
Marshall	28
Mills	3
Mitchell	3

County	Filings
Monroe	1
Montgomery	2
Muscatine	19
O'Brien	4
Osceola	2
Page	3
Palo Alto	4
Plymouth	5
Pocahontas	1
Polk	465
Pottawattamie	43
Poweshiek	7
Ringgold	3
Scott	159
Shelby	3
Sioux	15
Story	42
Tama	3
Taylor	5
Union	7
Van Buren	3
Wapello	36
Warren	13
Washington	12
Wayne	1
Webster	33
Winnebago	9
Winneshiek	5
Woodbury	80
Worth	4
Wright	9

Mediation

To achieve better early and cost-effective resolution of cases, the mediation program was revised, with providing greater opportunities for parties to utilize mediation services. Mediation services are available any time after a complaint is filed. Mediations can be conducted throughout the state of Iowa (depending upon availability of staff or volunteers). Onsite mediations encourage Complainants and Respondents to resolve disputes within a limited time frame, which significantly decreases the length of time expended in case resolution and reduces the costs associated with litigation. During this fiscal year, the Commission mediated **109** cases.

A partnership with local human and civil rights commissions throughout the state allows the Iowa Civil Rights Commission to utilize space at the local commissions' offices to conduct mediations. This partnership helps reduce any travel hardship for Complainants and Respondents. When local commission offices are not available, the Commission uses public libraries so that the mediations can take place on neutral ground.

The mediator's role is as a neutral third party who facilitates the discussions between the Complainant and Respondent. The purpose is to assist the parties to reach a compromise without having to go through a full investigation.

As a result of the recent trend towards alternative dispute resolution (ADR), a larger number of disputes are being resolved through mediation, even before parties file suit in court. Mediation reduces litigation and costs associated with court. Both parties must be willing to resolve the dispute. If mediation succeeds, the case is closed. If mediation fails, the case returns to its former place in the complaint process.

Successful Mediations from Fiscal Year 2010

Date	Area	Basis	Incident(s)	Terms
June 2010	Employment	Race	Terms and conditions, wages, harassment, promotion	Training
June 2010	Employment	Race, Sex, Age, Color, Mental Disability, Retaliation	Terms and conditions, harassment, promotion, sexual harassment, assignment, discipline, benefits-insurance, constructive discharge	\$25,000
June 2010	Employment	Sex	Terms and conditions, sexual harassment, harassment, constructive discharge	\$3,000
June 2010	Employment	Physical Disability, Retaliation	Discharge, Reasonable Accommodation	\$35,000
June 2010	Employment	Sex, Physical Disability	Terms and conditions, harassment, sexual harassment, reasonable accommodation, benefits, discipline	Confidential
June 2010	Employment	Sex, Physical Disability	Terms and conditions, harassment, sexual harassment, reasonable accommodation, benefits, discipline	Confidential
May 2010	Employment	Physical Disability	Terms and conditions, reasonable accommodation, discharge	Confidential
May 2010	Employment	Physical Disability	Discharge	\$10,000, reference letter
May 2010	Employment	Sex, Physical Disability	Discharge, wages	\$1,500
May 2010	Employment	Race, Sex, Age, Color, Physical Disability	Terms and conditions, harassment, wages, reasonable accommodation	Training
May 2010	Employment	Race, Age	Terms and conditions, discharge	\$1,800
May 2010	Employment	Sex, Retaliation	Discipline, suspension, harassment, sexual harassment	\$12,500
May 2010	Employment	Race, Sex, Retaliation	Discipline, sexual harassment, constructive discharge	\$12,500
May 2010	Employment	Race, Sex, Disability	Terms and conditions, reasonable accommodation, discharge	\$250
May 2010	Employment	Sex, Sexual Orientation	Terms and conditions, sexual harassment, harassment	\$1,350
May 2010	Employment	Retaliation	Pay comparability, terms and conditions, discharge	\$1,350

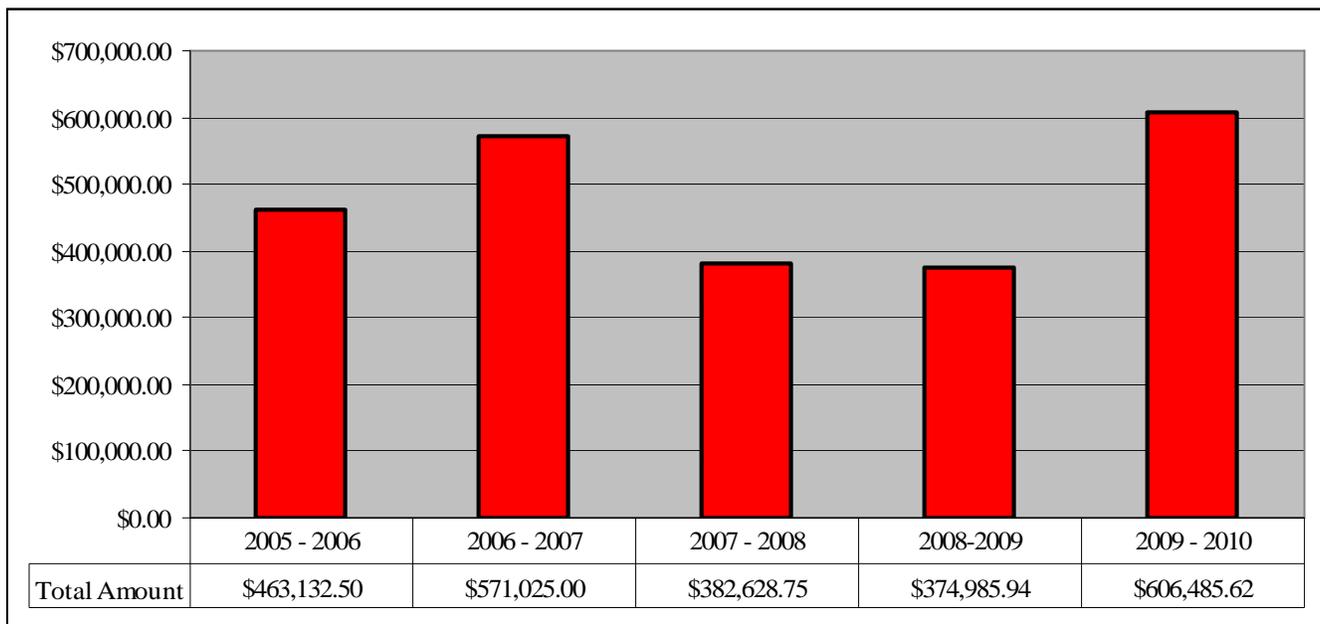
Date	Area	Basis	Incident(s)	Terms
April 2010	Employment	Physical Disability	Terms and conditions, discharge	\$7,500
April 2010	Employment	Age	Hiring	\$400
April 2010	Employment	Sex, Pregnancy	Terms and conditions, sexual harassment, discharge	\$10,000
April 2010	Employment	Sex, Pregnancy	Terms and conditions, harassment, discharge	\$24,500
April 2010	Credit	Disability	Terms and conditions	\$3,000
April 2010	Public Accommodation	Physical Disability	Reasonable accommodation	Accommodation
April 2010	Employment	Sexual Orientation	Terms and conditions, harassment, discharge	\$1,000
March 2010	Employment	Race, Color	Terms and conditions, harassment	Re-affirm policies
March 2010	Employment	Race	Hiring	Apology letter, re-apply for job
March 2010	Employment	Race, Sex	Terms and conditions, discharge	\$9,000
March 2010	Employment	Age, Mental Disability	Hiring, reasonable accommodation, constructive discharge	Confidential
February 2010	Employment	Age, Retaliation	Terms and conditions, harassment, discharge	\$15,000
February 2010	Employment	Race, Sex, Pregnancy	Terms and conditions, reasonable accommodation, discharge	\$309.12, job reinstatement
February 2010	Employment	Race, Sex, National Origin, Sexual Orientation	Sexual harassment, harassment, terms and conditions, assignment, discharge, constructive discharge	\$1,000, reference letter
February 2010	Employment	Sex, Pregnancy	Terms and conditions, discharge	\$750, reference
February 2010	Employment	Physical Disability	Reasonable accommodation, discharge	Confidential
January 2010	Employment	Sex	Sexual harassment, constructive discharge	Confidential
January 2010	Employment	Sex, Pregnancy	Harassment, other, wages	\$7,500
January 2010	Employment	Sex, Age	Demotion, wages, harassment, discharge	Confidential
January 2010	Employment	Mental Disability	Other, discipline, discharge	\$300
January 2010	Employment	Race, Sex, National Origin, Age, Physical Disability	Terms and conditions, reasonable accommodation, discharge, hiring	\$4,500
January 2010	Employment	Age, Retaliation	Demotion, assignment, wages, other, terms and conditions, harassment, discharge	Confidential

Date	Area	Basis	Incident(s)	Terms
December 2009	Employment	Race, Retaliation	Terms and conditions, harassment, constructive discharge, intimidation	\$55,000
December 2009	Employment	Sex, Retaliation	Terms and conditions, sexual harassment, discharge	Confidential
December 2009	Employment	Sex, Retaliation	Terms and conditions, sexual harassment, discharge	\$25,000
December 2009	Employment	Physical Disability	Terms and conditions, reasonable accommodation, discipline, discharge	\$675
December 2009	Employment	Sex, Pregnancy	Terms and conditions, discharge	\$1,250
December 2009	Employment	Race	Training, harassment, discharge	\$3,000
December 2009	Employment	Race, Sex, Physical Disability	Terms and conditions, discharge	\$25,000
December 2009	Employment	Physical Disability	Terms and conditions, reasonable accommodation, discharge	\$2,250
December 2009	Employment	Race, Sex	Promotion	\$1,000
December 2009	Employment	Sex, Pregnancy	Terms and conditions, discharge	\$2,132
December 2009	Employment	Age	Terms and conditions, layoff, recall	\$15,000
December 2009	Employment	Age	Training, discharge	Confidential
December 2009	Public Accommodation	Race, Color	Terms and conditions, harassment	\$500
November 2009	Public Accommodation	Race, Sex	Terms and conditions	\$100
November 2009	Employment	Sex, National Origin, Retaliation	Reasonable Accommodation, training, harassment, other, discipline, wages, terms and conditions	Confidential
November 2009	Employment	Race, Mental Disability	Terms and conditions, reasonable accommodation, constructive discharge	Confidential
November 2009	Employment	Race, Age	Terms and conditions, discharge	\$5,000
November 2009	Public Accommodation	Race, Color	Terms and conditions	Confidential
November 2009	Employment	Mental Disability	Discharge	\$19,750
October 2009	Employment	Age	Other, discharge	\$3,000
October 2009	Public Accommodation	National Origin	Service, harassment, terms and conditions	Public apology
October 2009	Employment	Sex, Pregnancy	Harassment, discharge	\$400
October 2009	Employment	Physical Disability	Training, discharge	\$1,500.00

Date	Area	Basis	Incident(s)	Terms
September 2009	Employment	Sex	Discipline, harassment, sexual harassment, discharge	\$1,022
September 2009	Employment	Physical Disability	Hiring	Re-applying for job
September 2009	Employment	Race, Color, Age, Physical Disability, Retaliation	Harassment, terms and conditions, discipline	Treat employees same
September 2009	Employment	Race	Terms and conditions, training, harassment, reasonable accommodation, discipline, discharge	\$7,500
September 2009	Employment	Color, Retaliation	Constructive discharge	\$7,500
September 2009	Employment	Race, Sex, National Origin, Religion, Age, Color, Retaliation	Hiring, harassment, terms and conditions	Confidential
September 2009	Employment	Sex, Age, Mental Disability, Retaliation	Terms and conditions, discharge, reasonable accommodation, training, discipline, promotion, harassment, wages	\$12,000
September 2009	Employment	Disability	Discharge	\$43,500
August 2009	Employment	Age, Physical Disability	Harassment, discharge	\$15,000
August 2009	Employment	Physical Disability	Reasonable accommodation, discharge	Confidential
August 2009	Employment	Sex, Retaliation	Harassment, sexual harassment, discharge	Confidential
August 2009	Employment	Age, Physical Disability	Harassment, discharge	\$15,000
August 2009	Employment	Disability	Terms and conditions, reasonable accommodation, harassment	\$1,500
August 2009	Employment	Retaliation	Training, harassment	Confidential
August 2009	Employment	Age, Disability	Discharge	\$13,180
August 2009	Employment	Sex, Pregnancy	Discharge	\$1,500
July 2009	Employment	Physical disability	Discharge	\$35,000
July 2009	Employment	Sexual Orientation	Harassment, discharge	\$3,000
July 2009	Employment	Age, physical disability	Hiring, recall, harassment, terms and conditions	\$250
July 2009	Employment	Race, Age, Disability	Hiring, harassment, recall, terms and conditions	\$250
July 2009	Employment	Sex, Pregnancy	Discharge	\$20,000
July 2009	Employment	Race, Color, Retaliation	Harassment, discharge	\$750

Date	Area	Basis	Incident(s)	Terms
July 2009	Employment	Physical Disability	Discipline, harassment, terms and conditions, discharge	\$10,000
July 2009	Employment	Sex, Retaliation	Terms and conditions, sexual harassment, discharge, harassment	\$47,000
July 2009	Employment	Sexual Orientation	Harassment, suspension, discharge	\$20,000
July 2009	Employment	Race, Sex, Retaliation	Harassment, discharge	\$4,000
July 2009	Employment	Race, Color, Retaliation	Terms and conditions, discipline, assignment, harassment	\$4,000
July 2009	Employment	Race, Color	Terms and conditions, promotion	\$16,000
July 2009	Employment	Race, Color	Promotion	\$10,000
July 2009	Employment	Age, Disability	Discharge, terms and conditions	\$5,000

Total Value of All Mediation Settlements



Conciliation

Conciliation occurs after a finding of probable cause has been made. It is the first point in the process at which the Commission becomes an advocate. Until this point, the Iowa Civil Rights Commission is a neutral, investigatory agency. However, the Commission does not become an advocate on the Complainant's behalf, but rather on behalf of the Probable Cause finding. During this fiscal year, there were **19** cases assigned to conciliation; **13** cases resolved (including **9** successful conciliations); and **3** failed. 8 of the successful conciliations are listed below:

June 2010

Employment—Sex

Complainant filed a discrimination complaint with the Iowa Civil Rights Commission in March of 2008, alleging her direct supervision had been sexually harassing her since she was hired on in January of that same year. Complainant also alleged that her shifts had been cut whenever she confronted Respondent about his behavior. When Complainant went to her manager, she was simply instructed to tell the Respondent "to quit it because it made her uncomfortable." An investigation conducted by the Iowa Civil Rights Commission found probable cause for discrimination, and Complainant's case moved on to conciliation. Respondents agreed to draft a sexual harassment policy, and distribute it amongst all employees in Respondents' Iowa locations. Respondents also agreed to attend a sexual harassment training. In addition, Respondents agreed to pay Complainant \$8,000.

February 2010

Employment—Sex, Pregnancy

Complainant filed a complaint with the Iowa Civil Rights Commission in May of 2008, after she had been receiving verbal harassment and cut work hours due to her pregnancy. Due to the occasional physical work required in her job, Complainant's doctor recommended a work restriction, advising that she refrain from pulling or lifting more than 10 pounds of weight, using ladders, vacuuming, and toxic fumes. When Complainant brought these new work restrictions to Respondent in March of 2008, Respondent told her that while she would be permitted to work the remaining four days she was previously scheduled, but thereafter would be relegated to only working Sunday mornings. An investigation conducted by the Iowa Civil Rights Commission found probable cause for discrimination, and Complainant's case moved on to conciliation. Respondent agreed to draft a pregnancy policy, and distribute it to all employees. Also, Respondent agreed that all Human Resource Managers, District Managers, and supervisory staff in Respondent's Iowa locations shall attend a Pregnancy in the Workplace training session. In addition, Respondent agreed to pay Complainant \$3,548.40 in back pay, and \$5,451.60 representing emotional distress.

January 2010**Employment—Sex, Race, National Origin, Color**

Complainant filed a discrimination complaint against her employer due to a prolonged period of racial and sexual harassment by her immediate supervisors. In one incident her direct supervisor exposed himself, and threatened her job if she rejected his advances. In another incident, he spelled her name incorrectly, and when she corrected him, he told her that Africans are stupid, lazy, and can't spell. In July of 2007, she reported this behavior to management, but her complaint was dismissed, and no investigation was done. Complainant brought her case to the Iowa Civil Rights Commission, where it was investigated, and an Administrative Law Judge found probable cause for discrimination. In conciliation, Respondent agreed to pay the Complainant \$17,500.

January 2010**Employment—Sex**

Complainant filed a civil rights complaint against her employer after enduring months of sexual harassment on the job, which included name-calling, unwanted touching, and at one point, a sexually explicit prank phone call. Complainant asserts that she went to management about these incidents. After this case was investigated by the Iowa Civil Rights Commission, an Administrative Law Judge determined probable cause for discrimination. The case was successfully conciliated, and Respondent agreed to pay the Complainant \$17,500 for emotional distress and to offset attorney's fees. Respondent also agreed to revise already existing sexual harassment policy.

November 2009**Public Accommodation—Race, Sex, Color, Physical Disability**

Complainant filed a discrimination complaint with the Iowa Civil Rights Commission after she tried to purchase a wristband at a local amusement park, and was told by management "There is nothing here you can ride," due to her spina bifida. Complainant's case was thoroughly investigated, and an Administrative Law Judge determined probable cause for discrimination, since nothing in Iowa law was found prohibiting people with physical impairments from using amusement parks. Through conciliation, both parties reached an agreement. Respondents agreed to adopt a policy regarding persons with disabilities who desire to use accommodations, advantages, facilities and services provided by Respondent. Respondents also agreed to pay Complainant a lump sum of \$100 for the emotional distress suffered. Complainant agreed not to sue Respondent.

November 2009**Public Accommodation—Physical Disability**

Complainant filed a discrimination complaint with the Iowa Civil Rights Commission after she tried to purchase a wristband at a local amusement park, and was told by management "There is nothing here you can ride," because of her visual impairment. Complainant's case was thoroughly investigated, and an Administrative Law Judge determined probable cause for discrimination, since nothing in Iowa law was found prohibiting people with physical impairments from using amusement parks. Through conciliation, both parties reached an agreement. Respondents agreed to adopt a policy regarding persons with disabilities who desire to use accommodations, advantages, facilities and services provided by Respondent. Respondents also agreed to pay Complainant a lump sum of \$5,000 for the emotional distress suffered.

October 2009**Employment—Physical Disability**

Complainant filed a discrimination complaint against her employer after being terminated due to her disability. Complainant was diagnosed with MS in 2004, which left her highly susceptible to illness. She approached her supervisors about being placed in a different room away from sick clients, but that reassignment did not stick. After being moved back to working with sick clients, Complainant became ill and was diagnosed with influenza and bronchitis. At that point, Complainant's work attendance dropped, and in May of 2007, she was terminated because her "illness" caused her to miss too much work. Complainant's employer did not specify if the "illness" was the MS, or the influenza.

The case was investigated by the Iowa Civil Rights Commission, where probable cause was determined by an Administrative Law Judge. Both parties entered into a conciliation agreement, in which the Respondents agreed to pay Complainant \$1,188.80 in back pay, \$6,493.12 in front pay, \$3,110.55 for the out of pocket expenses due to loss of health insurance, and \$10,000 as a contribution to further healthcare coverage for Complainant and her family.

October 2009**Public Accommodation—Race**

Complainant filed a discrimination complaint with the Iowa Civil Rights Commission in October of 2007, after ordering a pizza for delivery, and finding the word "nigger" written on her receipt. Upon taking this case to the Commission, the case was investigated and an Administrative Law Judge determined probable cause for discrimination. The case was successfully conciliated in October of 2009. Respondent agreed to pay Complainant \$1,300; this amount represents one large pizza each week for 52 weeks. Respondent also agreed to post in a conspicuous and highly-accessible area, the statement "All persons regardless of race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability are welcome at all our locations."

Cases Handled by the Assistant Attorney General

State ex rel Henderson v. Des Moines Municipal Housing Agency, Polk County, No. 5838

The State's action was brought on the claim that Ms. Henderson is a person with a disability who needed the assistance of a psychiatric service dog and that the Municipal Housing Agency had refused to accommodate her by waiving its pet policy but had, in fact, terminated her tenancy because she kept the service dog. The Iowa District Court for Polk County ruled in October 2009 that her request for an accommodation was inadequate because it had failed to establish the nexus between Henderson's mental illness and the requested accommodation of permitting her to keep the service dog that alleviated the fears attendant with her PTSD. The trial court required a showing that the accommodation would also have alleviated the limitations which Henderson suffered in the major life activities of self care and the ability to hold full time employment. The District Court also concluded that Ms. Henderson waived her right to request an accommodation by moving from the public housing duplex into the Section 8 program; Henderson moved into the private housing within the Section 8 program after the requested accommodation was denied. The State has appealed the decision.

State ex rel Shiltz v. Matkovich, Appanoose Cty, No. CVEQ8270

This is a housing discrimination action on behalf of Mr. Shiltz, alleging disability discrimination in the denial of housing due to mental disability. Mr. Shiltz exhibited unusual behavior and while he was hospitalized for what was discovered to be a brain injury, his landlady prohibited his return to the apartment and removed his possessions from the apartment without any court authorization to do so. Prior to the trial scheduled to in the Iowa District Court for Appanoose County, the parties agreed to a settlement in which the Defendants paid Mr. Shiltz \$16,500. The Defendants also agreed to undergo comprehensive fair housing training by the Iowa Civil Rights Commission.

Kern v. Iowa Civil Rights Commission, S.Ct. No. 09-1661

The Iowa Civil Rights Commission closed this sex and pregnancy-based case in November 2008 with a No Probable Cause determination. Ms. Kern filed a petition with the Polk County District Court seeking judicial review. The Polk County District Court affirmed the determination of the Iowa Civil Rights Commission in September 2009, which Kern then appealed to the Iowa Supreme Court. As of the end of FY2010, this appeal is still pending in the Iowa appellate courts.

Renda v. Iowa Civil Rights Commission, S. Ct. No. 08-0428

The Iowa Civil Rights Commission determined it lacked jurisdiction over the complaint filed by an inmate of a correctional institution, who had claimed that her prison work assignment constituted "employment" and that her cell was a "dwelling" within the meaning of the Civil Rights Act. The Commission had withheld its jurisdiction, contending that inmates in correctional institutions are not "employees" and that the correctional facility to which she was sentenced was not a "dwelling." The Polk County District Court affirmed the decision of the Iowa Civil Rights Commission. Renda appealed this decision to the Iowa Supreme Court, where, in June 2010, the court upheld that part of the agency action, which had concluded that inmates cannot file claims alleging housing discrimination. However, the Court held that the Commission cannot create a blanket rule withholding jurisdiction in all instances where inmates allege employment discrimination, but must make any such determination on a case by case basis.

State ex rel Miller and Penniman v. Cumberland House Associates, et al, Scott County No. 115296
The Iowa Civil Rights Commission found Probable Cause in two cases filed against the Respondents. Miller and Penniman alleged that the maintenance director employed by Newbury Management and situated at Cumberland House had sexually harassed each of them by subjecting them to unwelcome and offensive touching, and making sexually suggestive statements. After the election was made that the case be heard by the district court, the petition was filed in Scott County in February 2010; trial is scheduled for May 2011.

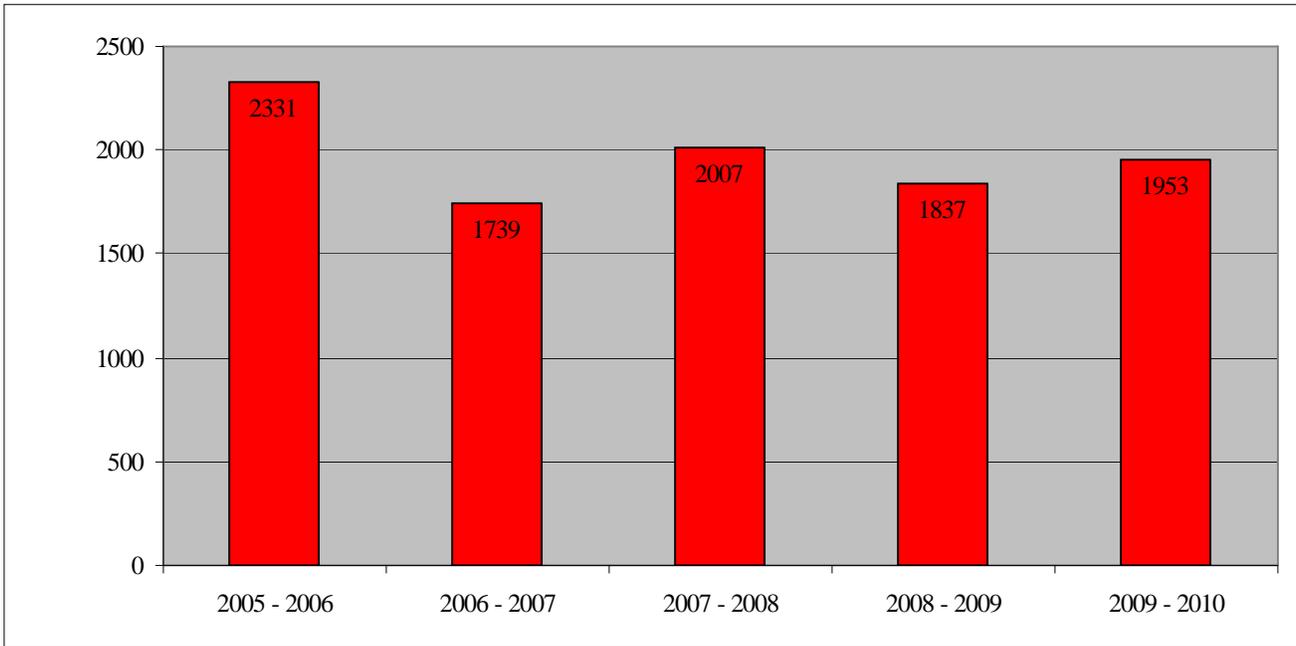
State ex rel Alicia Claypool v. Webb and Lewis, Polk County EQ64666
The Iowa Civil Rights Commission found Probable Cause exists to support the allegations of housing discrimination on the basis of familial status. The investigation revealed that Clay Webb enforces a policy of one person per bedroom. The complex manager had refused to permit a male tenant to add his girlfriend and her two small children to his lease for a two-bedroom apartment. It is contended that this policy would have a discriminatory impact on families with children by foreclosing them from living in the subject complex. The petition was filed in Polk County District Court in March 2010.

State ex rel Campbell v. Critelli Properties, Polk County, CV8114
The State filed this petition on behalf of Corie Campbell. She is a person with a disability who filed a civil rights complaint after the failure of her landlord to provide the accommodation of ensuring handicapped parking for her. While the management did place handicapped parking signage in the lot, it failed to act when vandals repeatedly removed the signs. Campbell was compelled to move to other housing because of the parking matter. A petition was filed in Polk County District Court in March 2010.

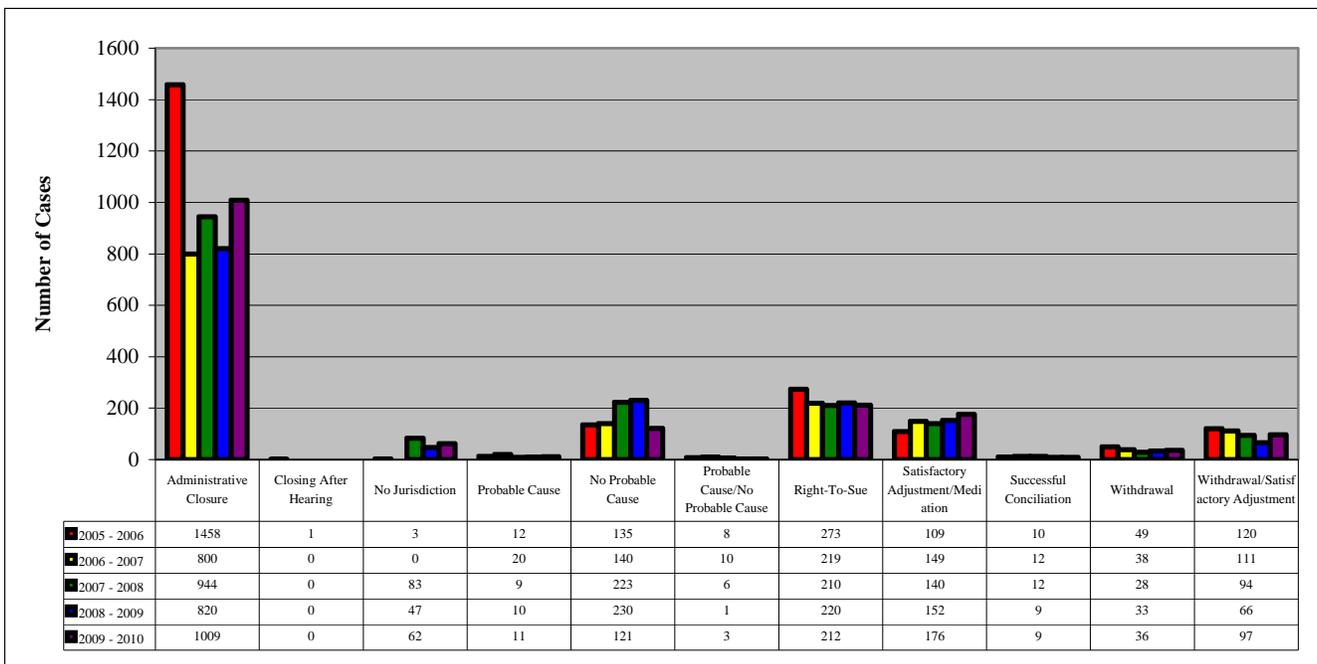
State ex rel Alicia Claypool v. A.B. Property Management, Johnson County No. EQCV072236
After finding probable cause to believe race discrimination was a factor in the actions by A.B. Property Management, the Commission requested this matter be heard by the Iowa District court. The investigation supporting the cause finding included the advice of an agent of the property management company to a white tester who was posing as a potential renter, stating that she not look at another apartment as it was in a "pretty black neighborhood," "where all the problems are." These statements would tend to steer persons away from a particular neighborhood because of race, thus denying potential tenants a full choice in housing options, as well as indicate to a person that they would be unwelcome in a neighborhood because of their race. A petition was filed in June 2010.

Case Closures

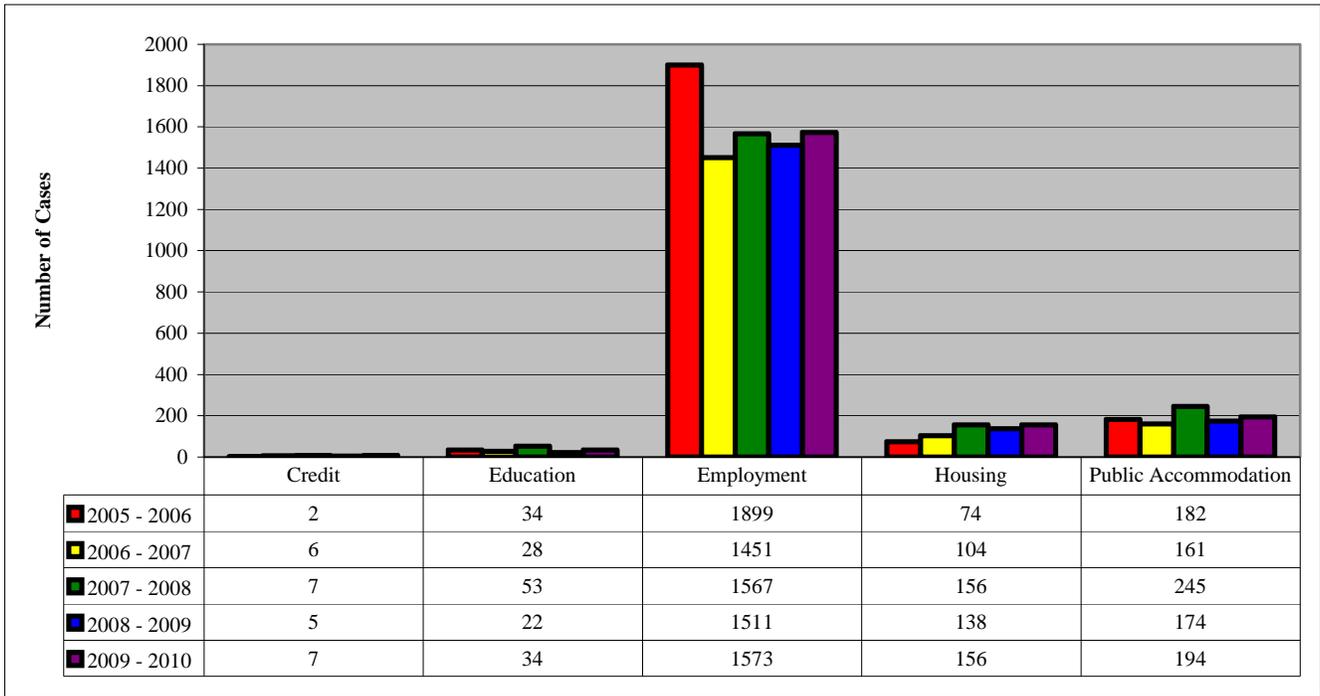
During the year, the Commission closed 1,953 cases. Of the 1,953 case closures during the fiscal year, the largest category was “does not warrant further investigation / administrative closure” (52%). This was followed by right-to-sue (11%), satisfactory adjustment / mediated settlement (9%), no probable cause (6%), and withdrawn / satisfactory adjustment (5%).



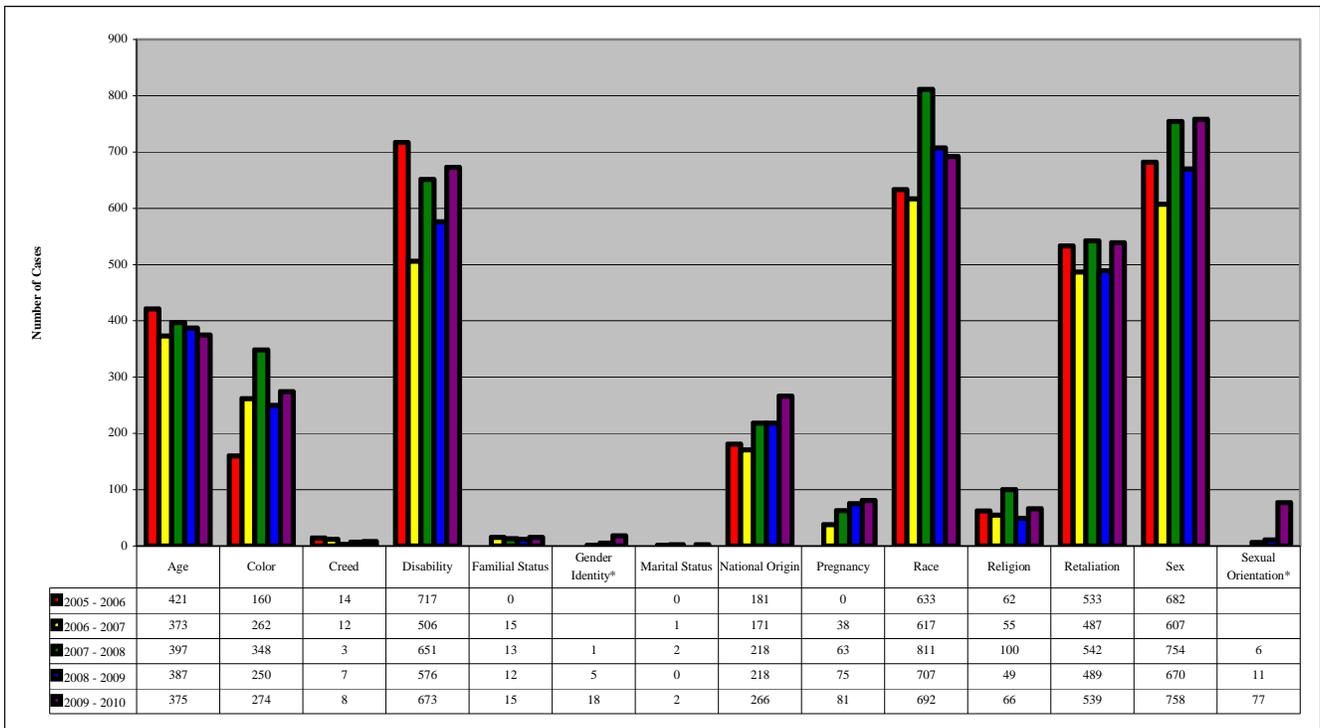
Case Closures by Type



Case Closures by Area

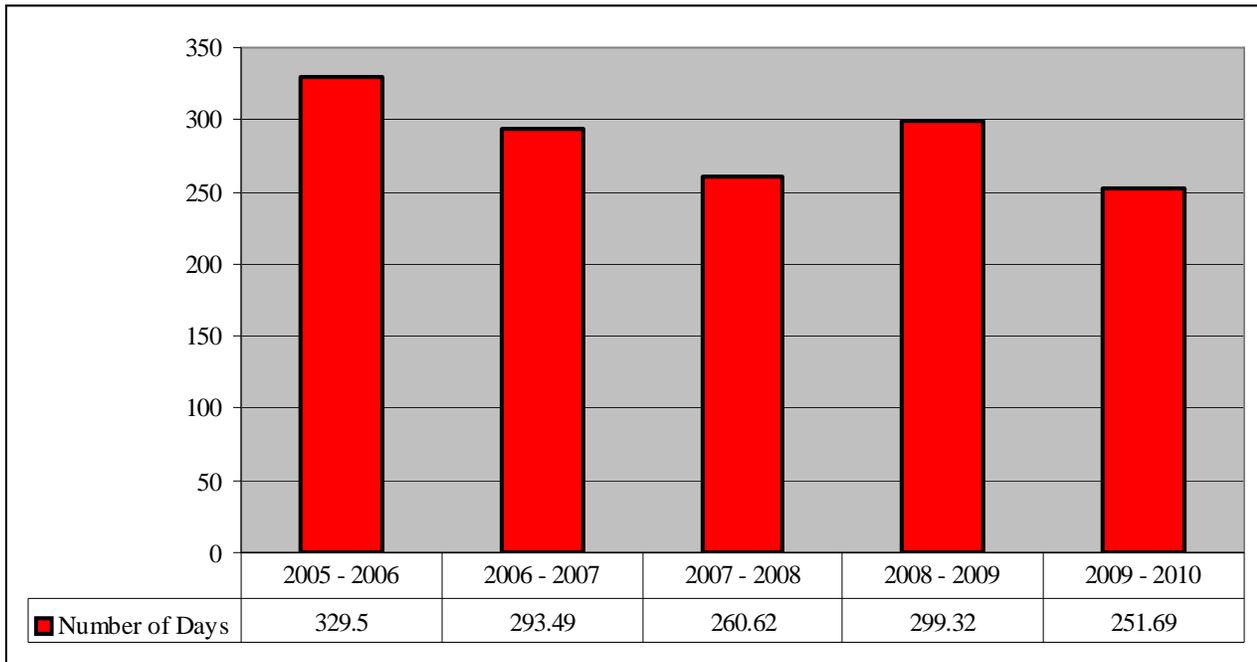


Case Closures by Basis

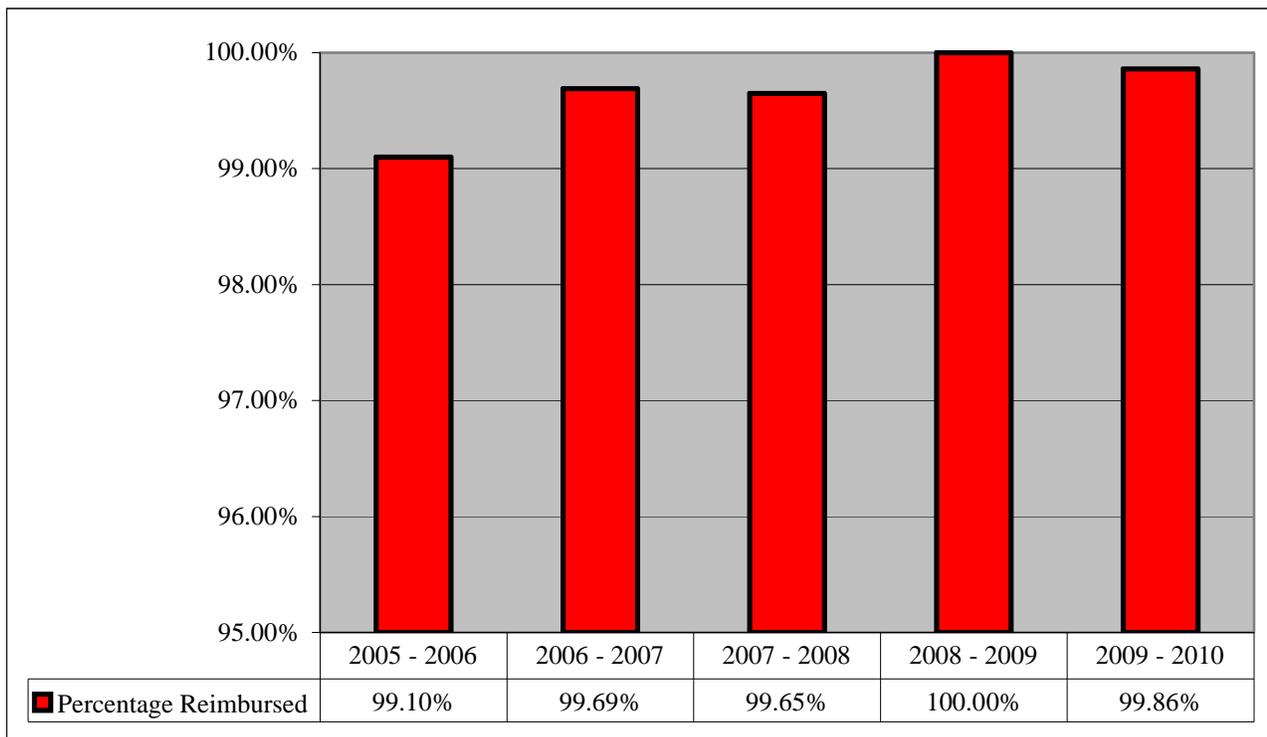


* Gender Identity and Sexual Orientation were added to the Iowa Code as protected bases on July 1, 2007.

Average Number of Days to Process a Case

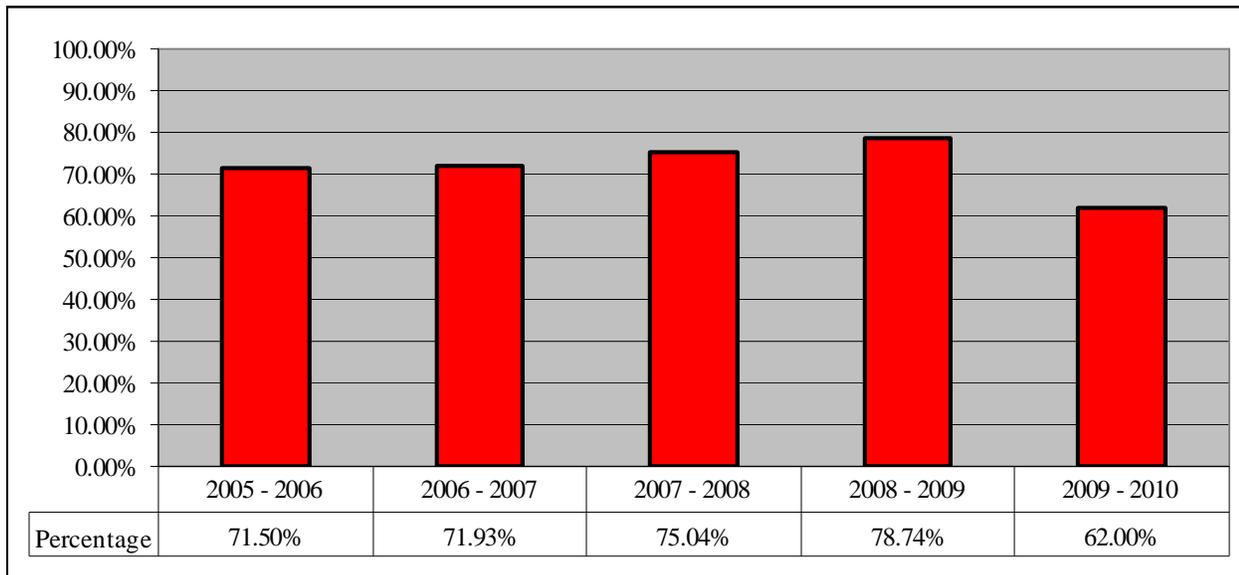


Percentage of Cases Accepted for Federal Reimbursement by EEOC and HUD



Percentage of Participants in Cases Who See the Commission as a Leader in Civil Rights

Following the closure of cases, the complainants, respondents, and counsel receive evaluation forms regarding their experience with the Iowa Civil Rights Commission. The questions focus on the complaint process, interactions with staff, understanding of the case decisions/settlements, and overall satisfaction. The final question asks if the person completing the evaluation form thinks that the Iowa Civil Rights Commission is a leader in civil rights.



Education, Outreach, and Training

The Commission's educational programs are designed to inform people about their rights under the law, to show the benefits of diversity, and to prevent discrimination by training businesses, landlords, and other organizations about civil rights laws. Staff are available, upon request, to conduct public speaking engagements, workshops, and training. For fiscal year 2010, staff (including members of the VISTA Project) participated in **230 presentations / outreach events**, reaching **17,693 participants**. The most requested topics through the year were for programs on civil rights overviews, harassment, and diversity issues. Iowans also use the Commission's video lending library for training. There were **22 uses** of videos by staff and citizens.

The public called the Commission for information **1,431** times during this fiscal year. These non-complaint-related calls came from employers, employees, renters, attorneys, and others who wanted to know about civil rights and discrimination. Over the years, the number of emails has significantly surpassed the number of calls we receive for information. During this fiscal year, **7,365 information emails** were handled. Calls, emails, and presentations resulted in **29,894 items** being distributed. In addition, **431 translations** were also requested or needed, primarily into Spanish.



The Commission's website, www.state.ia.us/government/crc, received an average of more than **5,189 hits** monthly, from an average of **2,045 individuals** per month. The Commission expanded its online presence to both Facebook (<http://www.facebook.com/pages/Des-Moines-IA/Iowa-Civil-Rights-Commission/80313175514>) and Twitter (www.twitter.com/iacivilrights). More than **500 individuals** like the Commission's Facebook page and more than **100 individuals** follow the Commission's Twitter account. AmeriCorps VISTA members based out of the Commission also provide civil rights and diversity resources through administration of the League of Iowa Human and Civil Rights Agencies website, www.leagueofiowahumanrights.webs.com, and the Iowa Human & Civil Rights VISTA Project website, www.iowavistaprojects.webs.com. In preparation for the 20th anniversary of the Americans with Disabilities Act in July 2010, VISTA members established the ADA Iowa website, www.adaiowa.webs.com.

The Iowa Civil Rights Commission's Educational Resources Team and VISTA members also:



- Continue to sponsor the I'll Make Me a World in Iowa Celebration, Iowa's African American annual conference, held at the end of January each year;
- Collaborates with the Des Moines Human Rights Commission for its annual fair housing and diversity symposium;
- Coordinates outreach booths and tables at the Iowa State Fair and numerous cultural festivals around the state; and
- Works closely with local human and civil rights agencies and nonprofits

Iowa Human & Civil Rights VISTA Project

AmeriCorps VISTA is a national community service organization focused on alleviating poverty by providing full-time one-year volunteers and 8-10 week Summer Associates. The main goals of the Iowa Civil Rights Commission's Iowa Human & Civil Rights



VISTA

Volunteers In Service To America

VISTA Project are to alleviate poverty through capacity building and establish sustainability for local human and civil rights agencies as they strive to make Iowa a state free of discrimination. During this fiscal year the VISTA members based out of the Commission's offices helped strengthen community partnerships with other civil and human rights agencies and stakeholder groups across the state, researched and applied for grants and other funding sources, created educational and training resources, planned events, and coordinated many of the commission's education & outreach activities. The Commission also placed VISTA members at additional sites in Ames, Cedar Falls, Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Iowa City, Postville, Sioux City, and Waterloo.

Year-Round AmeriCorps VISTA Members with the Commission

- Shawna Anderson
- Adam Cotton
- E.B. DeBruin
- Geof Fischer
- Teramie Hill
- Anna McGlaun
- Katie Petrak
- Crystal Schrader

2009 AmeriCorps VISTA Summer Associates with the Commission

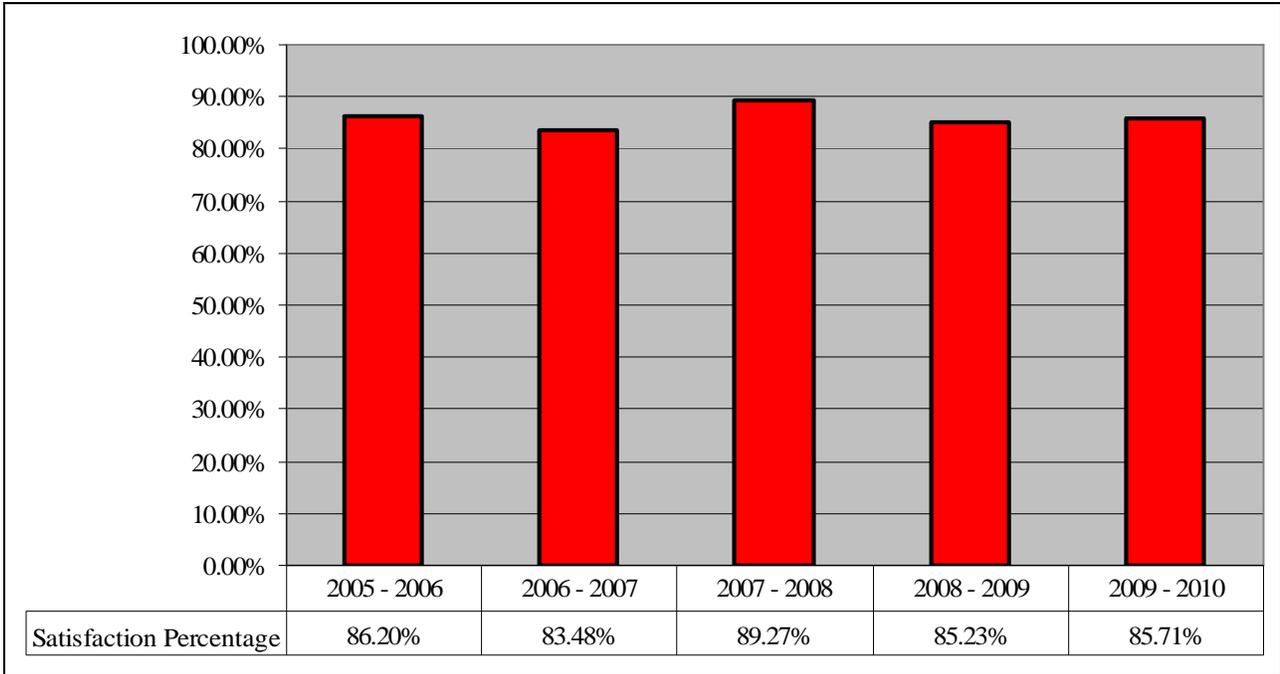
- Valentia Alleyne
- Kate Austin
- Sam Hodge
- Brynne Howard
- Calvin McRae

2010 AmeriCorps VISTA Summer Associates with the Commission

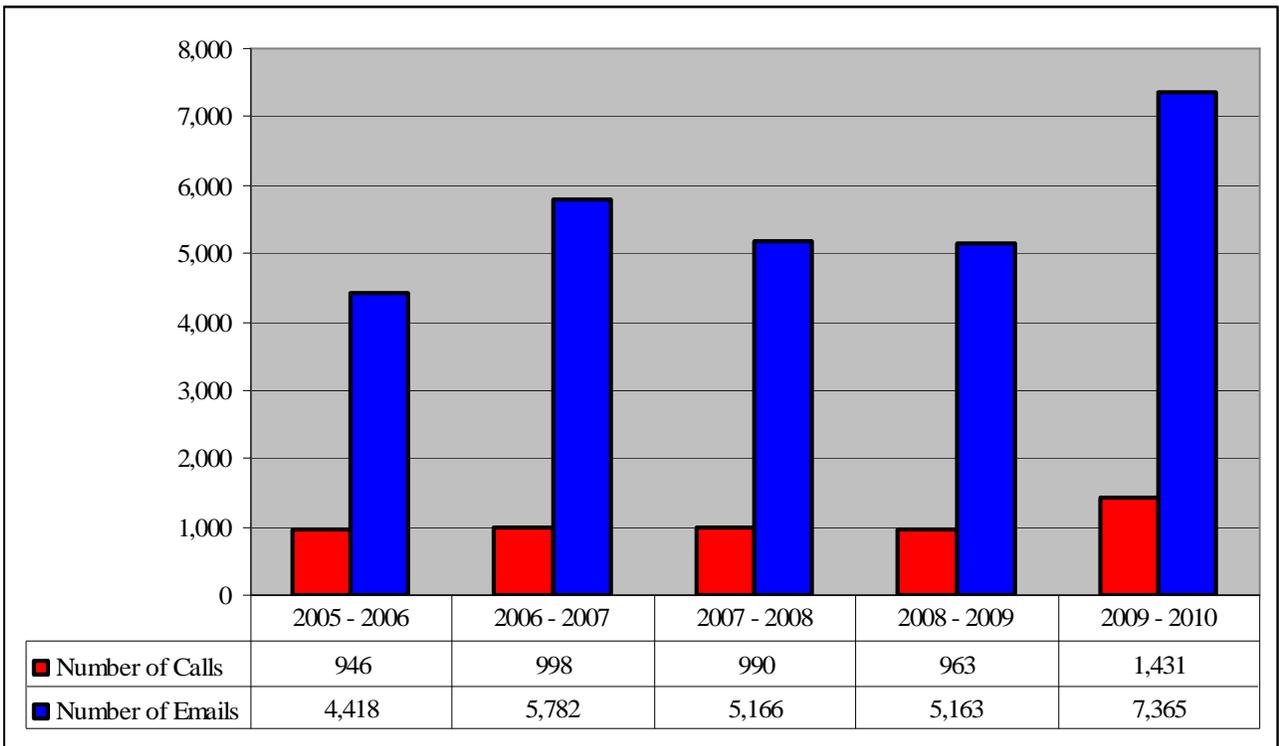
- Margaret Armstrong
- Ryan Gerdes
- Ashley Heissel
- Francisco Henriquez
- Francisco Hernandez
- Kailyn Heston
- Scott Lyon
- Valinn McReynolds
- Isaac Myers
- Lauren Passard
- Alexander Smith



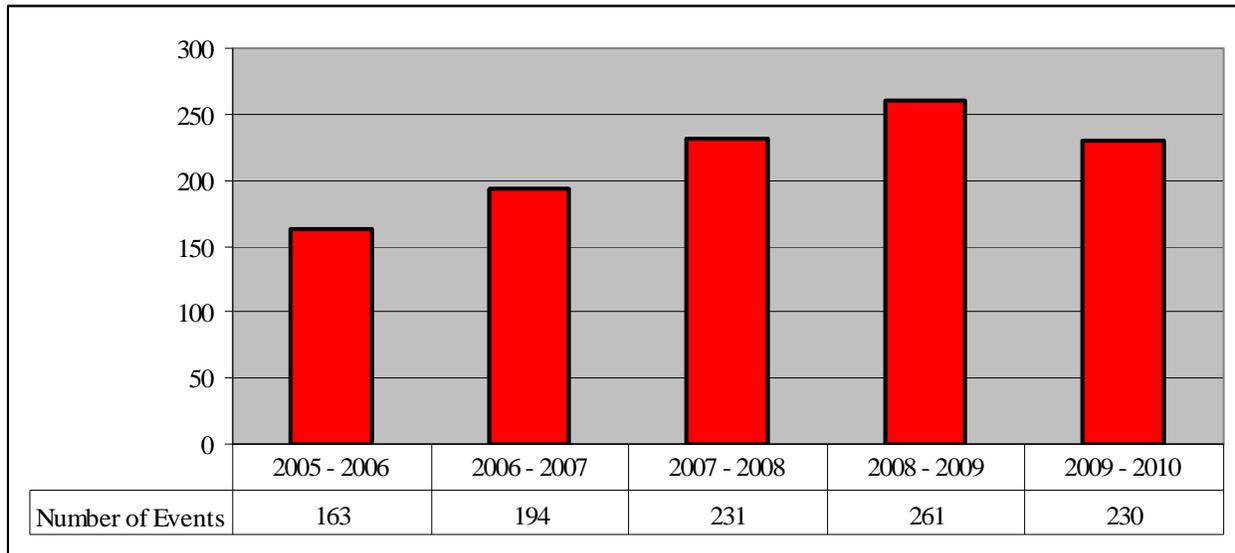
Percentage of Presentation Attendees Indicating Satisfaction with Education Services



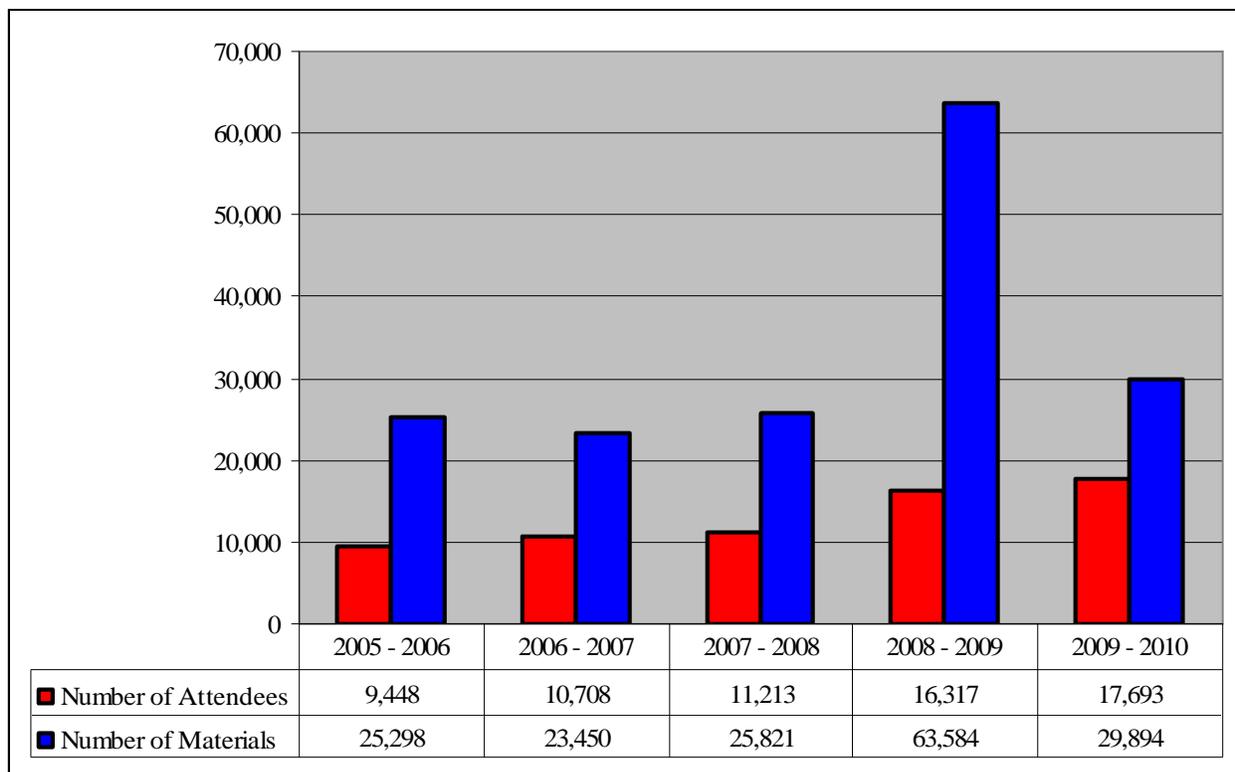
Number of Calls and E-mails Handled



Number of Presentations and Outreach Events



Number of Attendees at Events and Materials Distributed at Those Events

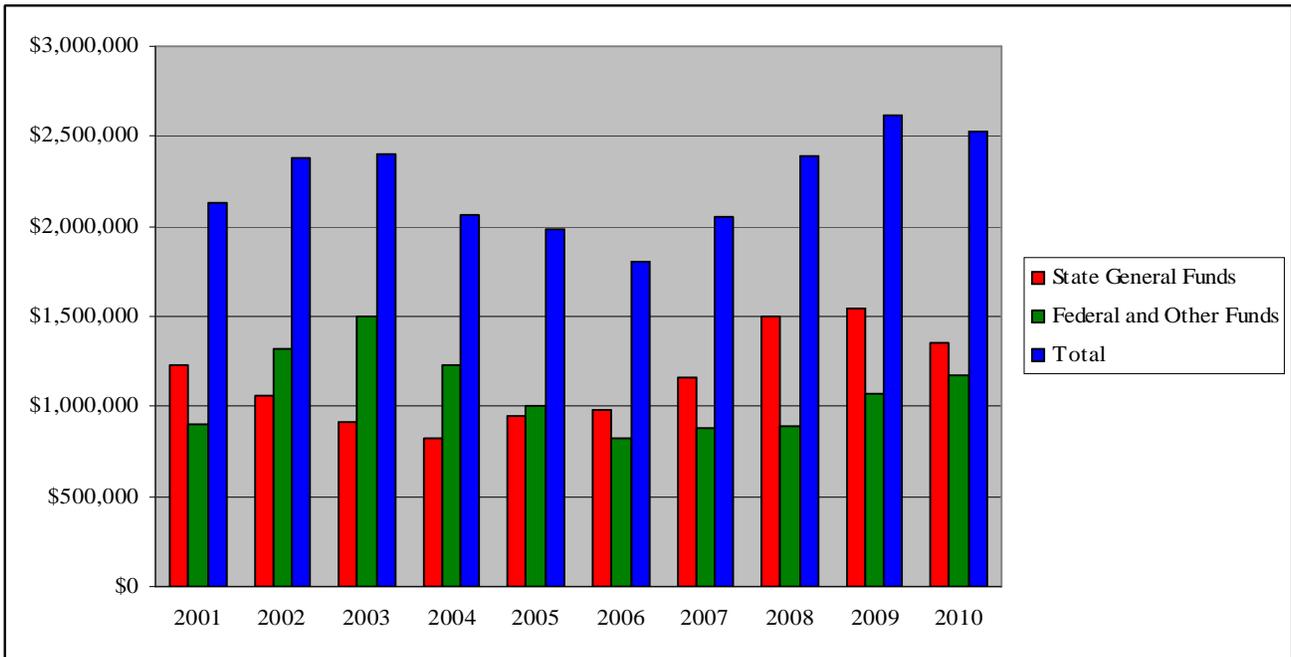


Fiscal Year 2010 Income



- The total funding for the Iowa Civil Rights Commission for FY 2010 was **\$2,525,922.17**.
- **\$1,349,246.00** (including salary adjustments and budget cuts) was state general funding
- **\$1,120,691.00** was from federal contract funding (EEOC and HUD) and other contracts and grants
- **\$55,985.17** was for reimbursement for presentations, copying, and video rentals

Agency Funding FY 2001 - 2010



Giving Back to the Community

For the nation's first 9/11 Day of Remembrance and Service, the Commission participated in book drives spearheaded by the Corporation for National Community Service and Everybody Wins Iowa. The books collected went to low-income schools, shelters, and hospitals throughout Central Iowa.



For the State of Iowa Government's annual Toys for Tots Drive in December 2009, the Commission collected **19 toys** and raised **\$293.18** through a combination of a delicious Holiday Brunch, delectable daily desserts, a staff Bake-Off, and a coin challenge. AmeriCorps VISTA members with the Commission assisted with sorting of donations at the main drop-off site in Des Moines.

In June 2010, the Commission joined other state government agencies in an annual canned food drive for the Food Bank of Iowa. Staff donated **101 canned food and personal hygiene items** and raised **\$524.46**. A large portion of the donations came from the proceeds of a jewelry sale by one of our investigators. Other money came from a raffle and carnival.



Commissioners



Front Row: Debbie Gitchell, Nancy Witt, Rick Morain
Back Row: Dr. Keith Johnson, Rich Eychaner, Alicia Claypool, Dr. Mary Chapman

- Alicia Claypool, Chair
West Des Moines
Appointed 1999
- Rick Morain
Jefferson
Appointed 2002
- Nancy Witt, Vice-Chair
Reinbeck
Appointed 2003
- Rich Eychaner
Des Moines
Appointed 2007
- Debbie Gitchell
Ames
Appointed 2007
- Dr. Mary Chapman
Des Moines
Appointed 2009
- Dr. Keith Johnson
Missouri Valley
Appointed 2010

Iowa Civil Rights Commission Staff

Ralph Rosenberg, Executive Director

Calvin Baccam
Edie Bogaczyk
Wendy Buenger
Natalie Burnham
Stephanie Callahan
Marcia Coverdale
Mary Cowdrey
Tiffanie Drayton
Annette Flaherty
Thomas Good
Don Grove
Kerry Hainline
Murlean Hall
Roger Halleck
Keith Hartje**
Michelle Howard
Gregory Klein

Larry Lockman
Emigdio Lopez-Sanders
Kayla Osegara*
Sylvia Owens
Dawn Peterson
Molly Rasmussen*
Tim Reily*
Lena Robison
Pamela Rose
Linda Ross
Diana Schanuel-Sisler
Sommay Soulinthavong
Sara Stibitz
Danny Wagener
JoEllen Whitney**
Sherry Williams

* Temporary, Part-time

** Volunteer Mediator